

## **REMARKS**

Applicants preserve the right to prosecute all cancelled claims and deleted subject matter in continuing patent applications.

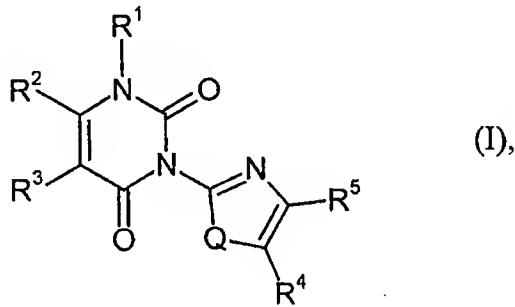
### Rejections under 35 U.S.C. § 112

The Office rejected claims 1-29, alleging that the terms hydrates, prodrugs and metabolites are not enabled by the specification as filed. For the sole purposes of expediting prosecution, Applicants have deleted the terms hydrates, prodrugs and metabolites from the claims. Applicants preserve the right to prosecute these embodiments in a continuing patent application. Accordingly, this rejection has been rendered moot by this amendment.

**Rejections under 35 U.S.C. § 102(b)**

The Office has rejected claims 1-10, 15-18, 21-23, and 25 under U.S.C. § 102(b), alleging that these claims are anticipated by WO 99/52906. Applicants respectfully traverse.

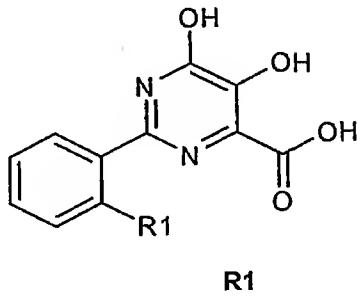
In regard to WO 99/52906, Applicants note that Compound 44 on page 31 is actually an R5 group for the following generic compound on page 26:



The claimed compounds would require that the terminal phenyl group in R5 be substituted. To the contrary, WO 99/52906 requires that the terminal phenyl group in R5 is not substituted. Since all the required elements of the pending claims are not disclosed in WO 99/52906, the pending claims are novel in view of WO 99/52906. Accordingly, Applicants respectfully request reconsideration and removal of this rejection.

The Office has rejected claims 1, 2, 4-10, 16-18, 21-22, 24 and 28 under U.S.C. § 102(b), alleging that these claims are anticipated by WO 02/06246. Applicants respectfully traverse.

In regard to WO 02/06246, Applicants would like to point out to the Office that Compound 99 on page 53 in Table 1 is actually an R1 group of a compound having the following generic structure on page 45:



The pending claims would require that the pyrimidinyl moiety in WO 02/06246 not have a carboxyl group. To the contrary, WO 02/06246 requires that the pyrimidinyl have a carboxyl group. Since all the required elements of the pending claims are not disclosed in WO 02/06246, the pending claims are novel in view of WO 02/06246. Accordingly, Applicants respectfully request reconsideration and removal of this rejection.

The Office has rejected claims 1-7, 9, 10, 15-18, 21-22, 24 and 28 under U.S.C. § 102(b), alleging that these claims are anticipated by Soliman. Applicants respectfully traverse.

In regard to Soliman, the pending claims would require that the pyrazole group in Soliman not have a terminal aryl group directly attached to it. To the contrary, Soliman requires the pyrazole group have a terminal aryl group directly attached to it. The teachings of Soliman do not disclose all of the elements required in the pending claims. Since all the required elements of the pending claims are not disclosed in Soliman, the pending claims are novel in view of Soliman. Accordingly, Applicants respectfully request reconsideration and removal of this rejection.

The Office has rejected claims 1-11, 15-18, 21-22, 24 and 28 under U.S.C. § 102(b), alleging that these claims are anticipated by Ashton et al. Applicants respectfully traverse.

In regard to Ashton et al, the pending claims would require that the pyrimidine moiety in Ashton not have any amino groups directly attached to it. To the contrary, Ashton et al. requires the pyrimidine moiety have any amino groups directly attached to it. Since all the required elements of the pending claims are not disclosed in Ashton et al, the pending claims are novel in view of Ashton et al. Accordingly, Applicants respectfully request reconsideration and removal of this rejection.

The Office has rejected claims 1-10, 15-18, 21-22; and 24 under U.S.C. § 102(b), alleging that these claims are anticipated by Beilstein Registry No. 8640850. Applicants respectfully traverse.

In regard to Beilstein Registry No. 8640850, the pending claims would require that the phenyl moiety attached to the nitrogen be substituted, and that the oxazolyl group not have a terminal aryl group directly attached to it. To the contrary, Beilstein Registry No. 8640850 requires the phenyl moiety attached to the nitrogen is not substituted, and that the oxazolyl group has to have have a terminal aryl group directly attached to it. Since all the required elements of the pending claims are not disclosed in Beilstein Registry No. 8640850, the pending claims are novel in view of Beilstein Registry No. 8640850. Accordingly, Applicants respectfully request reconsideration and removal of this rejection.

The Office has rejected claims 1-7, 9-11, 15-18, 21 and 22 under U.S.C. § 102(b), alleging that these claims are anticipated by Patent Compound Registry No. 1495354. Applicants respectfully traverse.

In regard to Patent Compound Registry No. 1495354, the pending claims would require that the phenyl moiety attached to the nitrogen group not have a carboxyl group directly attached to it. To the contrary, Patent Compound Registry No. 1495354 requires that the phenyl moiety attached to the nitrogen group have a carboxyl group directly attached to it. Since all the required elements of the pending claims are not disclosed in Patent Compound Registry No. 1495354, the

pending claims are novel in view of Patent Compound Registry No. 1495354. Accordingly, Applicants respectfully request reconsideration and removal of this rejection.

The Office has rejected claims 16-18, 21, 22 and under U.S.C. § 102(b), alleging that these claims are anticipated by Auzou et al. Applicants respectfully traverse.

In regard to Auzou et al, the pending claims would require that the phenyl moiety of R3 be substituted. To the contrary, Auzou et al. requires that the phenyl moiety of R3 not be substituted. Since all the required elements of the pending claims are not disclosed in Auzou et al, the pending claims are novel in view of Auzou et al. Accordingly, Applicants respectfully request reconsideration and removal of this rejection.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the present application is in condition for allowance, which action is earnestly solicited.

No fees are believed to be due in order to process this document and any paper attached. Should the U.S. Patent Office determine that an extension of time and/or other relief is required at this time, the Commissioner is authorized to charge the cost of such relief and/or fees to Deposit Account No. 50-1108, referencing EX04-061C-US.

Respectfully submitted,

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